

IN THE U.S. PATENT AND TRADEMARK OFFICE

Inventor(s): Mark C. Hanna et al.)
)
International (PCT) Application No.:)
PCT/US01/49921)
)
Filed: November 8, 2001)
)
Title: Reactive Co-Doping of GaAlInP)
Compound Semiconductors) Atty Dkt. No.: NREL 01-14

**REPLY TO PETITION FOR REVIVAL OF APPLICATION
UNDER 37 CFR § 1.137(b)**

Commissioner for Patents
P.O. Box 1450
MS/PCT
Alexandria, VA 22313-1450

Attn: PCT Legal Staff

Dear Sir:

On September 9, 2005 a Decision to dismiss Applicant's Petition to Convert a Filing Under 37 CFR 1.53(b) to 35 USC 371, dated March 28, 2005 was made stating that this was a clear case of conflicting instructions and the Office properly process the above-identified application under 35 U.S.C. 111(a). Applicants were instructed to enter the national stage of PCT/US 01/49921 by filing a national stage application with a petition under 37 CFR 1.137(b) and the appropriate petition fee.

In response to the instruction of the Patent Office, Applicants submits a Petition for Revival of Application under 37 CFR 1.137(b), which originally began with a Notice of Incomplete Non-Provisional Application, dated March 15, 2005, wherein Applicants were notified that under 37 CFR § 1.53(b) the specification was missing and the specification did not

include at least one claim. A complete specification as prescribed by 35 USC 112 was required and the oath or declaration was missing.

Applicants, upon reviewing the case file, found that the Utility Patent Application Transmittal that had been used as a cover sheet, was submitted in error. Also, included in the original submittal on May 7, 2004 was the appropriate Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 USC 371. Applicants, by submitting two transmittal sheets had created confusion in the U.S. Patent Office, Initial Patent Examination Division, which resulted in the submittal of a Notice of Incomplete Non-Provisional Application.

WHEREFORE, Applicants request the Deputy Assistant Commissioner to revive the patent application as originally intended under 35 USC 371, and the filing date of May 7, 2004 be established.

Applicants encloses copies of the following:

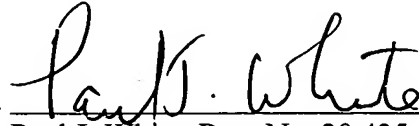
- Decision on Applicants' Petition;
- Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
- Transmittal Letter to the U.S. Designated/Elected Office Concerning a Filing Under USC 371;
- PCT Application Inventor Declarations included in the original filing of the PCT patent application;
- Notice of Incomplete NonProvisional Application; and
- Postcard receipt from the original filing for the non-provisional application with the Patent Office stamp, dated May 7, 2004.

The Deputy Assistant Commissioner is hereby authorized to charge payment of the petition fee, as required by 37 C.F.R. 1.17(f); as well as any additional fees associated with this petition or credit any overpayment to Deposit Account No. 14-0460.

If any other issues remain to be resolved, please contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

Dated: September 30, 2005.

A handwritten signature in cursive script, reading "Paul J. White", written over a horizontal line.

Paul J. White, Reg. No. 30,435
Attorney for Applicants

National Renewable Energy Laboratory
1617 Cole Boulevard
Golden, CO 80401
303/384-7575

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
(Optional)
NREL 01-14

First Named Inventor: MARK COOPER HANNA

International (PCT) Application No.: PCT/US01/49921

U.S. Application No.:
(if known)

Filed: 08 November 2001

Title: Reactive Co-Doping of GaAlInP Compound Semiconductors

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 700.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
Petition for Revival of Application (Identify type of reply):

☒ has been filed previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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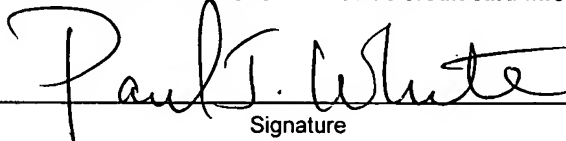
3. Terminal disclaimer with disclaimer fee

☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

9-29-05

Date

PAUL J. WHITE, SR. PATENT COUNSEL

Typed or Printed Name

30,436

Registration Number, if applicable

National Renewable Energy Laboratory

303-384-7575

Address

Telephone Number

1617 Cole Blvd, Golden, CO 80401

Address

Enclosures: ☒ Response

☒ Fee Payment - Deposit Account No. 14-0460

☐ Terminal Disclaimer

☐ Other (please identify):